

APPEAL NO. 022516  
FILED NOVEMBER 21, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 5, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) had disability from February 9 through March 18, 2002, that the employer offered the claimant a bona fide position of employment, and that the claimant was entitled to select Dr. B as his initial treating doctor. The claimant appealed the determinations on disability and offer of a bona fide position of employment. The respondent (carrier) responded. There is no appeal of the determination regarding the treating doctor.

DECISION

The hearing officer's decision is affirmed.

Conflicting evidence was presented on the appealed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations on the issues of disability and an offer of a bona fide position of employment are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMCOMP ASSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS STREET, SUITE 330  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge